

Disclosure of Eligibility Status for the National
Assessment of Education Progress (NAEP)

- PURPOSE:** To outline the requirement for CACFP organizations to disclose children's names and eligibility status to persons directly connected with the administration or enforcement of the National Assessment of Educational Progress (NAEP).
- SCOPE:** Organizations participating in the Child and Adult Care Food Program (CACFP).
- DESCRIPTION:** The National Assessment of Educational Progress is a Federal education program that requests the use of children's free and reduced-price meal eligibility frequently. The Healthy Meals for Healthy Americans Act of 1994, P. L. 103-448, amended Section 9(b)(2)(C) of the Richard B. Russell National School Lunch Act (NSLA) (42.U.S.C. 1751(b)(2)(C) to allow disclosure of children's eligibility information, without parental consent, to individuals directly connected to NAEP.

Childcare institutions may disclose, without parent/guardian consent, participant's names and eligibility status (whether they are eligible for free or reduced-price meals) to persons *directly* connected with the administration or enforcement of NAEP. Additionally, childcare institution authorities may disclose participants' names and eligibility status to persons *directly* connected with the administration or enforcement of State educational assessment programs to the extent that the State assessment is part of the NAEP or the assessment program is established at the State, not local level.

The term "persons directly connected" for the purpose of disclosure to NAEP includes Federal, State, and local program operators responsible for NAEP program administration of program compliance and their contractors. This does not mean that these persons have routine access to participants' eligibility status. There must be a "need to know" for legitimate NAEP purposes.

While not currently required, it is recommended that childcare institution authorities inform households if they plan to disclose or use eligibility information outside the originating program. It is further recommended that the local authority enter into a written agreement with NAEP officials. It is suggested that the agreement be signed by both the local authority and

NAEP officials, as appropriate, the agreement identify the entity receiving the information, describe the information to be disclosed and how it will be used, describe how the information will be protected from unauthorized uses and disclosures, and describe the penalties for unauthorized disclosure.

Providing aggregate information that does not identify individuals continues to be permitted without consent. Additionally, any cost associated with the disclosure of information beyond that used for program purposes cannot be charged to the food service account, except that incidental cost are acceptable. In accordance with the statute, local authorities are not *required* to disclose eligibility. The State Agency encourages cooperation with other agencies, however it is a local decision.

Source:

FY 03 Child and Adult Care Food Program Policy Memorandum #03-03; FY 99 Child and Adult Care Food Program Policy Memorandum #4-99; and FY 00 Child and Adult Care Food Program Policy Memorandum #15-00.